

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 59844

Myron Gaines
Venecia Catlin-Butler
4305 Chatham Road
Baltimore MD 21207

8536 Brest Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on May 20, 2009, for a hearing on a citation for violations under the Baltimore County Code (BCC) section 35-2-304 (B), penalty for action without a permit; person who violates this section is also subject to a civil penalty of \$1,000.00; International Building Code (IRC) 2006) section 105.1, permits required on residential property known as 8536 Brest Road, 21133.

On May 1, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: the Respondents, Mr. Martin Gaines and Venecia Catlin-Butler, Melvin Bartee, Complainant and, James Garland, Baltimore County Building Inspections Inspector.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 30, 2009 for failure to obtain required building permits to change occupancy from basement storage to sleeping area; to obtain required electrical permits for electrical work; to obtain required building permit to modify building foundation; and to provide required handrail, reattach sump discharge, provide positive grade and secure electrical panel cover. This Citation was issued on May 1, 2009.

B. Inspector Garland testified that he inspected the property following receipt of a complaint from the property owner, Mr. Melvin Bartee. Mr. Bartee complained that his contractor had failed to obtain required permits. Inspector Garland testified that no permits had been obtained. Inspector Garland further testified that he inspected the building and found work had been done in the basement to convert it into a bedroom, but that the required egress window was not provided. Only small "hopper" windows were installed. The building foundation had been altered. Positive grade was not provided where the sump pump empties, causing water to flow back toward the foundation. The cover was off the electrical panel, creating a hazardous condition with exposed electrical circuits. Inspector Garland testified that it looked like the renovation work was about ninety percent completed.

C. Mr. Bartee supplied a copy of the contract he entered into with Respondent Venecia A. Catlin-Butler, on behalf of A.S. Home Improvement. The contract price is \$4,200.00 and the scope of work includes basement work including "provide and install one interior door to furnace room and one interior door sump pump room, and entrance to bedroom to include all moldings, and trim." The contract also includes "provide and install two (2) basement (Hopper) windows on side wall." The contract also includes "Remove existing retainer wall at steps to basement and excavate wall. Waterproof wall using standard applications and regrade." The contract further provides, on page 3, "Contractor shall obtain all permits necessary for the work to be performed."

D. Myron Gaines performed the work under the contract with A.S. Home Improvement. He testified that he had explained to the homeowner, Mr. Bartee, that the basement could not be used for a bedroom without proper egress. He further testified that sometimes they give options for the homeowner to pull the permit. He further testified that there were other contractors or people working on the house at the same time, including building a deck. He testified that he did not do electrical work. Mr. Gaines testified that he had moved lights and confirmed that the lights were wired into the house. He then stated that he was prepared even now to get the permit if the homeowner wanted him to. Mr. Gaines did not dispute that there was no building permit obtained for the work he did at the house for A.S. Home Improvement.

E. The M.H.I.C. license number on the Contract Agreement is held by Respondent Venecia Catlin-Butler, under the trade name "A.S. Home Improvement."

F. The evidence clearly establishes that Respondents failed to obtain required building permits before doing renovation and alteration work at the Bartee residence, in violation of Baltimore County codes. A permit would not have been issued for the work performed, particularly the basement conversion to a bedroom without required egress window. Failure to obtain the required permit also resulted in lack of proper accountability and inspections for the foundation alterations. The building permit and inspection process is designed to protect property owners and to protect public safety, and strict enforcement is appropriate particularly where a licensed contractor deliberately evades the permit requirements.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars), jointly and severally, against Respondent Venecia Catlin-Butler, the contractor and M.H.I.C. license holder, and against Respondent Myron Gaines, who actually performed the work without required permits on the contractor's behalf.

ORDERED this 27th day of May 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.